

Senate Bill 319

By: Senator Brown of the 26th

A BILL TO BE ENTITLED  
AN ACT

To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so as to provide for procedures to ensure due process for peace officers in certain circumstances; to define certain terms; to prohibit discrimination; to provide that this Act does not preclude paid administrative leave in certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by adding at the end thereof a new Chapter 11 to read as follows:

"CHAPTER 11

35-11-1.

As used in this chapter, the term:

(1) 'Agency' means any public law enforcement, corrections, parole, probation, jail, or other law enforcement unit, as defined by Code Section 35-8-2, which serves as a public entity or unit of the State of Georgia or its political subdivisions.

(2) 'Peace officer' means any law enforcement officer, corrections officer, parole officer, probation officer, jail officer, or any other public employee identified in Code Section 35-8-2 who is certified or registered by the Georgia Peace Officer Standards and Training Council and who holds a nonelected position with an agency.

35-11-2.

Peace officers shall not be discriminated against, terminated, or penalized in regard to their employment because of national origin, race, creed, sex, age, or religion or for any reason

1 other than for cause; provided, however, that new hires may be required to serve a  
2 probationary period not to exceed 12 months.

3 35-11-3.

4 (a) Each agency shall establish procedures to ensure that any peace officer upon written  
5 request within 15 days of any adverse administrative action which results in the loss of pay,  
6 reduction in rank, or dismissal is afforded due process of law prior to the imposition of any  
7 administrative action against the peace officer. Such procedures shall include, as a  
8 minimum, a hearing before a fair and impartial board or hearing officer; notice of the  
9 charges against said peace officer; the right to be represented at said hearing at the expense  
10 of the accused peace officer; the right to cross-examine any witnesses testifying against  
11 said peace officer; and the right to present witness testimony and evidence on behalf of the  
12 peace officer.

13 (b) The agency head will cause the verdict of the hearing board or hearing officer to be  
14 filed with the Georgia Peace Officer Standards and Training Council and to be included in  
15 the peace officer's employment file.

16 35-11-4.

17 Nothing in this chapter shall preclude an agency head or his or her designee from taking  
18 appropriate action to safeguard the public or the integrity of the agency by placing a peace  
19 officer on paid administrative leave during an administrative investigation involving death,  
20 accident, injury, violence, moral turpitude, corruption, actual or suspected criminal activity,  
21 or serious policy violation."

## 22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.